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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,428	12/27/2001	Jules Olita	P638	1721

7590 07/13/2006
Armand M. Vozzo, Jr., Esquire
19 Short Road
Doylestown, PA 18901

EXAMINER

JONES, HEATHER RAE

ART UNIT PAPER NUMBER

2621

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/034,428	OLITA ET AL.	
	Examiner	Art Unit	
	Heather R. Jones	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/10/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7-9 and 11 is/are rejected.
- 7) ☒ Claim(s) 4,6,10 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 and 21 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed June 10, 2006, with respect to the rejection(s) of claim(s) 1-3, 5, 7-9 and 11 under Del Bianco et al. (U.S. Patent 6,859,327) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the Del Bianco et al. (EP 1 107 041 A1) reference being applied to the claims as 35 U.S.C. 102(a) reference rather than a 35 U.S.C. 102(e) reference (Del Bianco et al. - U.S. Patent 6,859,327) due to Applicant pointing out that the Del Bianco et al. reference can not be used as a 35 U.S.C. 102(e) reference.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by Del Bianco et al. (EP 1 107 041 A1) - (Please see U.S. Patent 6,859,327 for a translation. All citations are from the U.S. Patent.).

Regarding claim 1, Del Bianco et al. discloses a thermal imaging system intended for use upon a helmet (2) worn by a person observing a scene at a fire or other incident site (col. 1, lines 11-15), comprising: an infrared camera means

(13) assembled and releasably mounted in a stationary position along the centerline of the helmet for producing video signals reflective of thermal images of the scene viewed along the centerline (as can be seen from Fig. 5; col. 3, lines 18-24); an eyepiece display means (6) extended from the infrared camera means (13) and adjustably connected thereto for presenting thermal images of the scene to the either eye of the person based on the video signals from the infrared camera means (13) (the display means covers both eyes); and bracket means (7 and 16) assembled and interconnected between the infrared camera means (13) and the helmet (2), the bracket means being axially aligned with the centerline of the helmet and releasably interlocked therealong for mounting the infrared camera means (13) in the stationary position along the centerline of the helmet (2) (col. 1, lines 11-25 - it is inherent that the camera would be placed in the centerline of the helmet because the camera is being used for the fireman to detect the environment in order to recognize danger sites and barriers in time when vision is blocked due to heavy smoke development or darkness).

Regarding claim 2, Del Bianco et al. discloses all the limitations as previously discussed with respect to claim 1 including that the infrared camera means (13) comprises: an infrared camera (13) having a sensor array forwardly positioned to detect infrared radiation emanating from the scene for producing electrical signals indicative thereof (as can be seen in Fig. 5); signal processor means connected to receive the electrical signals from the infrared camera (13) for generating processed video signals based thereon indicative of thermal

images of the scene; and battery means (29) connected to the infrared camera (13) and the signal processor means for providing electrical power thereto.

Regarding claim 7, Del Bianco et al. discloses a thermal imaging camera system intended for use upon a helmet (2) having a brim (22) and worn by a person observing a scene at a fire or other incident site (col. 1, lines 11-15), comprising: an infrared camera means (13) assembled and adapted to be mounted in a stationary position upon the brim (22) of the helmet (2) (col. 3, lines 18-24), the infrared camera means (13) being disposed to view the scene along the centerline of the helmet (2) for generating processed video signals reflective of thermal images of the scene; an eyepiece display means (6) electrically connected to the infrared camera means (13) and flexibly extended therefrom for displaying thermal images of the scene to either eye of the person based on the video signals generated from the infrared camera means (13) (the display means covers both eyes); and bracket means (7 and 16) assembled and interconnected between the infrared camera means (22) and the brim (22) of the helmet (2), the bracket means being axially aligned with the centerline of the helmet and releasably interlocked therealong for releasably mounting the infrared camera means (13) in the stationary position along the centerline of the helmet (2) (col. 1, lines 11-25 - it is inherent that the camera would be placed in the centerline of the helmet because the camera is being used for the fireman to detect the environment in order to recognize danger sites and barriers in time when vision is blocked due to heavy smoke development or darkness).

Regarding claim 8, grounds for rejecting claim 2 apply for claim 8 in its entirety.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Del Bianco et al. (EP 1 107 041 A1) - (Please see U.S. Patent 6,859,327 for a translation. All citations are from the U.S. Patent.).

Regarding claim 3, Del Bianco et al. discloses all the limitations as previously discussed with respect to claims 1 and 2 except that the infrared camera means further comprises housing means for containing the infrared camera, the signal processor means and the battery means in an assembled camera arrangement wherein the sensor array of the infrared camera is forwardly disposed to receive the infrared radiation emanating from the scene. Official Notice is taken that a surveillance camera housing contains all the electronic components and power components necessary to operate the camera in order to protect the components from the surrounding weather. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combined the infrared camera means, signal processing means, and the battery means into one housing in order to minimize the camera assembly to

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make the camera more versatile and to protect the components from environmental conditions.

Regarding claim 5, Del Bianco et al. discloses all the limitations as previously discussed with respect to claims 1-3 including that the eyepiece display means (6) comprises an eyepiece display electrically connected to receive the processed video signals from the signal processor means for producing thermal images therefrom (col. 3, line 62 – col. 4, line 4); and an articulated arm (15) connected to the housing means and adjustably configured to extend the eyepiece display therefrom in a position forward of either eye of the person (col. 3, lines 29-31).

Regarding claim 9, grounds for rejecting claim 3 apply for claim 9 in its entirety.

Regarding claim 11, grounds for rejecting claim 5 apply for claim 11 in its entirety.

Allowable Subject Matter

6. Claims 4, 6, 10, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to teach or fairly suggest a thermal imaging camera system, in combination with all the other elements, comprising:

a. A housing means comprising: a front housing member formed having a cavity to substantially contain the assembled camera arrangement therein and further formed having a portal centrally therethrough to permit transmission of the infrared radiation emanating from the scene to the sensor array of the infrared camera; a rear housing member connected to the front housing member and formed to enclose the cavity thereof; the rear housing member being further formed to provide an interior compartment to hold the battery means; and a battery door pivotally connected to the rear housing member to close the interior compartment therein (claims 4 and 10).

b. A bracket means comprises: a first bracket member attached to the housing means in an axial direction, the first bracket member being formed having an open rectangular configuration with a C-shaped cross-section; a second bracket member attached to the helmet in an axial direction and along the centerline of the helmet, the second bracket member being formed having a rectangular configuration conformed to fit axially within the open rectangular configuration of the first bracket member; and decent means secured to the second bracket member and transversely disposed thereon to releasably interlock the first and second bracket members when axially engaged (claims 6 and 12).

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Conclusion

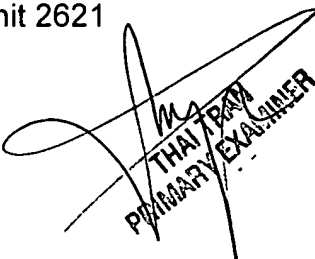
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
July 6, 2006


THAI TRAN
PRIMARY EXAMINER